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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,664	02/05/2001	Paul Kevin Shufflebotham	015290-508	9320
7590	10/16/2006		EXAMINER	
Peter K. Skiff BURNS, DOANE, SWECKER & MATHIS, L. L. P. P. O. Box 1404 Alexandria, VA 22313-1404			ZERVIGON, RUDY	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/775,664	SHUFFLEBOTHAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rudy Zervigon	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 72-79,81-91,93 and 94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 72-79,81-91,93 and 94 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .                                                        | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 23, 2006 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 72, 78, 79, 81, and 83 are rejected under 35 U.S.C. 102(a) as being anticipated by Collins; Kenneth S. et al. (US 5,556,501 A). Collins teaches:

- i. An inductively coupled plasma CVD processing system (Figure 1; column 7; line 40 - column 8, line 15) comprising: a plasma processing chamber (11; Figure 1; column 7; line 41); a planar dielectric window (46-48; Figure 1; column 15; lines 17-30) forming a top wall (walls enclosing 16A; Figure 1) of the processing chamber (11; Figure 1; column 7; line 41); a substantially planar electrically-conductive coil (30; Figure 1; column 8; lines 4-14) extending across the planar dielectric window (46-48; Figure 1; column 15; lines 17-30) which inductively couples RF energy into the plasma processing chamber

(11; Figure 1; column 7; line 41) through the planar dielectric window (46-48; Figure 1; column 15; lines 17-30) and energizes the process gas into a plasma state; a substrate (5; Figure 1) support (32c; Figure 1) adapted to support a substrate (5; Figure 1) within the processing chamber (11; Figure 1; column 7; line 41), such that the substrate (5; Figure 1) lies in a plane parallel to the planar dielectric window (46-48; Figure 1; column 15; lines 17-30); and a plurality of injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) adapted to introduce process gas into the processing chamber (11; Figure 1; column 7; line 41), all of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) being spaced outwardly from the periphery of the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 72. Applicant's amended claim limitation "such that the substrate lies in a plane parallel to the planar dielectric window", amounting to how a treated article is orientated, is a claim requirement of intended use in the pending apparatus claims. Further, it has been held that claim language that simply specifies an intended use or field of use for the invention generally will not limit the scope of a claim (Walter , 618 F.2d at 769, 205 USPQ at 409; MPEP 2106). Additionally, in apparatus claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (In re Casey,152 USPQ 235 (CCPA 1967); In re Otto , 136 USPQ 458, 459 (CCPA 1963); MPEP2111.02).

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- ii. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein the plurality of gas flows from the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) overlap each other in a plane parallel to an exposed surface of the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 78
- iii. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein each of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) includes an exit orifice (53; Figure 1; column 9; line 64 - column 10, line 63), and each of the orifices (53; Figure 1; column 9; line 64 - column 10, line 63) is spaced the same distance outwardly from the periphery of the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 79
- iv. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein all of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) have the same length such that exit orifices (53; Figure 1; column 9; line 64 - column 10, line 63) of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are spaced the same distance outwardly from the periphery of the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 81
- v. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein all of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) includes an exit

orifice (53; Figure 1; column 9; line 64 - column 10, line 63) spaced outwardly from the periphery of the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 83

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 73-77, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins; Kenneth S. et al. (US 5,556,501 A) in view of Latz; Rudolf et al. (US 5,169,509 A). Collins is discussed above.

Collins does not teach:

- i. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are provided on a first gas ring (51; Figure 1; column 9; line 64 - column 10, line 63), at least some of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) include an orifice orientated relative to the axis thereof to direct the process gas in an upward direction away from the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1); and at least some of the injector tubes are orientated in the plasma processing chamber (11; Figure 1; column 7; line 41) to direct the process gas along the axes thereof that intersect an exposed surface of the substrate (5; Figure 1) at an acute angle when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1) - claim 73
- ii. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein: the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are provided on a

first gas ring (51; Figure 1; column 9; line 64 - column 10, line 63); all of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are orientated in the plasma processing chamber (11; Figure 1; column 7; line 41) to direct the process gas along axes thereof that intersect an exposed surface of the substrate (5; Figure 1) at an acute angle when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1) - claim 74

- iii. An inductively coupled plasma CVD processing system (Figure 1; column 7; line 40 - column 8, line 15) comprising: a plasma processing chamber (11; Figure 1; column 7; line 41); a planar dielectric window (46-48; Figure 1; column 15; lines 17-30) forming a top wall (walls enclosing 16A; Figure 1) of the processing chamber (11; Figure 1; column 7; line 41); a substantially planar electrically-conductive coil (30; Figure 1; column 8; lines 4-14) extending across the planar dielectric window (46-48; Figure 1; column 15; lines 17-30) which inductively couples RF energy into the plasma processing chamber (11; Figure 1; column 7; line 41) through the planar dielectric window (46-48; Figure 1; column 15; lines 17-30) and energizes the process gas into a plasma state; a substrate (5; Figure 1) support (32c; Figure 1) adapted to support a substrate (5; Figure 1) within the processing chamber (11; Figure 1; column 7; line 41), such that the substrate (5; Figure 1) lies in a plane parallel to the planar dielectric window (46-48; Figure 1; column 15; lines 17-30); and a plurality of injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) adapted to introduce process gas into the processing chamber (11; Figure 1; column 7; line 41), all of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) being spaced outwardly from the periphery of the substrate (5; Figure 1) when the

substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1) and at least one of the injector tubes including an orifice orientated relative to the axis thereof to direct the process gas in an upward direction away from an exposed surface of the substrate when the substrate is supported on the substrate support, as claimed by claim 75. Applicant's amended claim limitation "such that the substrate lies in a plane parallel to the planar dielectric window", amounting to how a treated article is orientated, is a claim requirement of intended use in the pending apparatus claims. Further, it has been held that claim language that simply specifies an intended use or field of use for the invention generally will not limit the scope of a claim (Walter , 618 F.2d at 769, 205 USPQ at 409; MPEP 2106). Additionally, in apparatus claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (In re Casey,152 USPQ 235 (CCPA 1967); In re Otto , 136 USPQ 458, 459 (CCPA 1963); MPEP2111.02).

- iv. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are detachably ("inserted"; column 10; line 10) connected to a first gas ring (51; Figure 1; column 9; line 64 - column 10, line 63) made of aluminum which includes outlets (53; Figure 1; column 9; line 64 - column 10, line 63) adapted to supply process gas into the plasma processing chamber (11; Figure 1; column 7; line 41), as claimed by claim 76
- v. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 76, including a second gas ring disposed above or below the first gas ring (51; Figure 1; column 9; line

64 - column 10, line 63) in the plasma processing chamber (11; Figure 1; column 7; line 41), as claimed by claim 77

- vi. The system (Figure 1; column 7; line 40 - column 8, line 15) of claim 72, wherein some of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) have different lengths such that exit orifices (53; Figure 1; column 9; line 64 - column 10, line 63) of some of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are spaced a different distance outwardly from the periphery of the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 82

Latz teaches a wafer plasma processing apparatus (sole figure) including injector tubes (nozzle portion of 24/24a; Sole Figure) are provided on a first gas ring (24/24(a); Sole Figure) and at least one of the injector tubes (nozzle portion of 24/24a; Sole Figure) including an orifice orientated relative to the axis thereof to direct the process gas in an upward direction away from an exposed surface of the substrate (1,1',1'') when the substrate is supported on the substrate support (27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Collins's injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) with Latz's injector tubes (nozzle portion of 24/24a; Sole Figure) provided on a first gas ring (24/24(a); Sole Figure), further, to optimize the dimension and/or position of Collins's injector tubes.

Motivation to replace Collins's injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) with Latz's injector tubes (nozzle portion of 24/24a; Sole Figure) provided on a first gas ring

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(24/24(a); Sole Figure), further, to optimize the dimension and/or position of Collins's injector tubes is for promoting "uniform and stable process" as taught by Latz (column 1; lines 60-65). Further, it is well established that changes in apparatus dimensions are within the level of ordinary skill in the art.(Gardner v. TEC Systems, Inc. , 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied , 469 U.S. 830, 225 USPQ 232 (1984); In re Rose , 220 F.2d 459, 105 USPQ 237 (CCPA 1955); In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); See MPEP 2144.04).

It is well established that the rearrangement of parts is considered obvious to those of ordinary skill (In re Japikse , 181 F.2d 1019, 86 USPQ 70 (CCPA 1950); In re Kuhle , 526 F.2d 553, 188 USPQ 7 (CCPA 1975); Ex parte Chicago Rawhide Manufacturing Co. , 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).; MPEP 2144.04).

It is well established that the duplication of parts is obvious (In re Harza , 274 F.2d 669, 124 USPQ 378 (CCPA 1960) MPEP 2144.04).

3. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins; Michael D. et al. (US 5,556,501 A) in view of Chen, Aihua (USPat. 5,691,876). Collins is discussed above. Collins does not teach the substrate (not shown; Figure 1; column 8, lines 40-55) support (100; Figure 1) including means for maintaining the substrate (not shown; Figure 1; column 8, lines 40-55) at a desired temperature – claim 84.

Chen teaches:

- i. the substrate (not shown; Figure 1; column 8, lines 40-55) support (100; Figure 1) including means for maintaining the substrate (not shown; Figure 1; column 8, lines 40-55) at a desired temperature – claim 84

Applicant's means for maintaining the substrate at a desired temperature is supported by the specification:

" [0027] In order to prevent damage to metal lines or the pre-existing films and structures on the substrate and to ensure accurate and precise process control, a heated mechanical or preferably an electrostatic chuck (ESC) is employed to hold the substrate. The ESC is preferably bipolar or monopolar. Preferably, the electrode is maintained at a temperature ranging from about 50°C. to 350°C, in order to maintain the temperature of the wafer to about 325°C to 375°C.

"

Consequently, Chen teaches equivalent means (column 6, lines 35-54; 5-18)

- i. The system (Figure 1) of claim 72, wherein the substrate (not shown; Figure 1; column 8, lines 40-55) support (100; Figure 1) includes means (see above) for maintaining the substrate (not shown; Figure 1; column 8, lines 40-55) at a desired temperature when the substrate (not shown; Figure 1; column 8, lines 40-55) is supported on the substrate (not shown; Figure 1; column 8, lines 40-55) support (100; Figure 1), as claimed by claim 84

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Collins's support (32c; Figure 1) with Chen's temperature controlled support (100; Figure 1).

Motivation to replace Collins's support (32c; Figure 1) with Chen's temperature controlled support (100; Figure 1) is for conducting high temperature processing of substrates as taught by Chen (column 1; lines 1-18; column 2; lines 18-24).

4. Claims 85-91, 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins; Michael D. et al. (US 6,200,412 B1) in view of Chen, Aihua (USPat. 5,691,876) and Latz;

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Rudolf et al. (US 5,169,509 A). Collins and Chen are discussed above. Collins further teaches injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are detachably ("inserted"; column 10; line 10) connected to a first gas ring (51; Figure 1; column 9; line 64 - column 10, line 63) - claim 88. Collins further teaches:

- i. The system (Figure 1; column 7; line 40 - column 8, line 15) of Claim 85, wherein a plurality of gas flows from the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) overlap each other in a plane parallel to an exposed surface of the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 91
- ii. The system (Figure 1; column 7; line 40 - column 8, line 15) of Claim 85, wherein each of the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) has the same length, as claimed by claim 93

Collins does not teach:

- iii. An inductively coupled plasma CVD processing system (Figure 1; column 7; line 40 - column 8, line 15), comprising: a plasma processing chamber (11; Figure 1; column 7; line 41); a planar dielectric window (46-48; Figure 1; column 15; lines 17-30) forming a top wall (walls enclosing 16A; Figure 1) of the plasma processing chamber (11; Figure 1; column 7; line 41); a substantially planar electrically-conductive coil (30; Figure 1; column 8; lines 4-14) extending across the planar dielectric window (46-48; Figure 1; column 15; lines 17-30) which inductively couples RF energy into the plasma processing chamber (11; Figure 1; column 7; line 41) through the planar dielectric window (46-48; Figure 1; column 15; lines 17-30) and energizes the process gas into a plasma state; a

substrate (5; Figure 1) support (32c; Figure 1) adapted to support a substrate (5; Figure 1) within the processing chamber (11; Figure 1; column 7; line 41), such that the substrate (5; Figure 1) lies in a plane parallel to the planar dielectric window (46-48; Figure 1; column 15; lines 17-30), the substrate support including means for maintaining the substrate at a desired temperature; and a plurality of injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) each including an orifice (53; Figure 1; column 9; line 64 - column 10, line 63) oriented relative to the axis thereof to direct the process gas in an upward direction away from the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1); and/or (ii) a plurality of injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) each oriented in the plasma processing chamber (11; Figure 1; column 7; line 41) to direct the process gas along an axis thereof that intersects an exposed surface of the substrate (5; Figure 1) at an acute angle when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1) - claim 85. Applicant's amended claim limitation "such that the substrate lies in a plane parallel to the planar dielectric window", amounting to how a treated article is orientated, is a claim requirement of intended use in the pending apparatus claims. Further, it has been held that claim language that simply specifies an intended use or field of use for the invention generally will not limit the scope of a claim (Walter , 618 F.2d at 769, 205 USPQ at 409; MPEP 2106). Additionally, in apparatus claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the

claim (In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto, 136 USPQ 458, 459 (CCPA 1963); MPEP 2111.02).

- iv. The system (Figure 1; column 7; line 40 - column 8, line 15) of Claim 85, wherein the means for maintaining the substrate (5; Figure 1) at a desired temperature includes an electrostatic chuck and is adapted to maintain the substrate (5; Figure 1) at a temperature ranging from about 325°C to 375°C when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 86
- v. The system (Figure 1; column 7; line 40 - column 8, line 15) of Claim 85, wherein the substrate (5; Figure 1) support (32c; Figure 1) includes a heat transfer gas source which is adapted to supply a heat transfer gas to control the temperature of the substrate (5; Figure 1) to a temperature of about 100°C to 400°C, as claimed by claim 87
- vi. A second gas ring disposed above or below the first gas ring (51; Figure 1; column 9; line 64 - column 10, line 63) – claim 88
- vii. The system (Figure 1; column 7; line 40 - column 8, line 15) of Claim 85, wherein the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) are oriented in the plasma processing chamber (11; Figure 1; column 7; line 41) to direct the process gas along axes thereof that intersect the exposed surface of the substrate (5; Figure 1) at an acute angle when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 89
- viii. The system (Figure 1; column 7; line 40 - column 8, line 15) of Claim 85, wherein the injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) include an orifice (53; Figure 1; column 9; line 64 - column 10, line 63) oriented relative to the axis thereof

to direct the process gas in an upward direction away from an exposed surface of the substrate (5; Figure 1) when the substrate (5; Figure 1) is supported on the substrate (5; Figure 1) support (32c; Figure 1), as claimed by claim 90

Chen teaches:

- ii. the substrate (not shown; Figure 1; column 8, lines 40-55) support (100; Figure 1) including means for maintaining the substrate (not shown; Figure 1; column 8, lines 40-55) at a desired temperature – claim 85

Applicant's means for maintaining the substrate at a desired temperature is supported by the specification:

“ [0027] In order to prevent damage to metal lines or the pre-existing films and structures on the substrate and to ensure accurate and precise process control, a heated mechanical or preferably an electrostatic chuck (ESC) is employed to hold the substrate. The ESC is preferably bipolar or monopolar. Preferably, the electrode is maintained at a temperature ranging from about 50°C. to 350°C, in order to maintain the temperature of the wafer to about 325°C to 375°C.

“

Consequently, Chen teaches equivalent means (column 6, lines 35-54; 5-18)

- i. The system (Figure 1) of Claim 85, wherein the means for maintaining the substrate (not shown; Figure 1; column 8, lines 40-55) at a desired temperature includes an electrostatic chuck and is adapted to maintain the substrate (not shown; Figure 1; column 8, lines 40-55) at a temperature ranging from about 325°C to 375°C (claim 9) when the substrate (not shown; Figure 1; column 8, lines 40-55) is supported on the substrate (not shown; Figure 1; column 8, lines 40-55) support (100; Figure 1), as claimed by claim 86

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Collins's support (32c; Figure 1) with Chen's temperature controlled support (100; Figure 1), and to replace Collins's injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) with Latz's injector tubes (nozzle portion of 24/24a; Sole Figure) provided on a first gas ring (24/24(a); Sole Figure), further, to optimize the dimension and/or position of Collins's injector tubes.

Motivation to replace Collins's support (32c; Figure 1) with Chen's temperature controlled support (100; Figure 1) is for conducting high temperature processing of substrates as taught by Chen (column 1; lines 1-18; column 2; lines 18-24), and motivation to replace Collins's injector tubes (54; Figure 1; column 9; line 64 - column 10, line 63) with Latz's injector tubes (nozzle portion of 24/24a; Sole Figure) provided on a first gas ring (24/24(a); Sole Figure), further, to optimize the dimension and/or position of Collins's injector tubes is for promoting "uniform and stable process" as taught by Latz (column 1; lines 60-65). Further, it is well established that changes in apparatus dimensions are within the level of ordinary skill in the art.(Gardner v. TEC Systems, Inc. , 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied , 469 U.S. 830, 225 USPQ 232 (1984); In re Rose , 220 F.2d 459, 105 USPQ 237 (CCPA 1955); In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); See MPEP 2144.04).

It is well established that the rearrangement of parts is considered obvious to those of ordinary skill (In re Japikse , 181 F.2d 1019, 86 USPQ 70 (CCPA 1950); In re Kuhle , 526 F.2d 553, 188 USPQ 7 (CCPA 1975); Ex parte Chicago Rawhide Manufacturing Co. , 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984); MPEP 2144.04)

It is well established that the duplication of parts is obvious (In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) MPEP 2144.04).

5. Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins; Kenneth S. et al. (US 5,556,501 A) in view of Ishii; Nobuo et al. (US 5571366 A). Collins is discussed above. Collins does not teach The system of Claim 72, wherein the planar electrically-conductive coil is a single conductive element formed into a planar spiral or a series of concentric rings. Ishii teaches an inductively coupled plasma reactor including a planar electrically-conductive coil (6; Figure 8) is a single conductive element formed into a planar spiral.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Ishii's planar electrically-conductive coil (6; Figure 8) to Collins's apparatus.

Motivation to add Ishii's planar electrically-conductive coil (6; Figure 8) to Collins's apparatus is for higher precision plasma processing as taught by Ishii (column 10; lines 50-52).

***Response to Arguments***

6. Applicant's arguments filed August 23, 2006 are fully considered but are not persuasive.

7. The Examiner's rebuttal to Applicant's arguments supporting the claim amendments of claims 72, 75, and 85 are delineated in the body of the Examiner's above rejections. In particular, the letter of Applicant's claims is addressed specifically and demonstrates the Collins teachings of his inductive coil geometry. Further, Applicant's claim limitation lending orientation of the processed substrate relative to structural components is not a claim limitation accorded weight because it amounts to an intended use of the claimed apparatus. See above.

8. With respect to claim 73, Applicant states:

“

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Claim 73 recites, *inter alia*, that at least some of the injector tubes are oriented in the plasma processing chamber to direct the process gas along the axes thereof that intersect an exposed surface of the substrate at an acute angle when the substrate is supported on the substrate support (emphasis added).

“

In response, the Examiner's above rejection does address Applicant's claim limitation according to the prior rejections: "...further, to optimize the dimension ands/or position of Collins's injector tubes."

9. The remainder of Applicant's arguments are centered on the new claim amendments addressed above by the Examiner.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272-1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official fax phone number for the 1763 art unit is (571) 273-8300. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Parviz Hassanzadeh, at (571) 272-1435.



10/11/06